

### REMARKS

The Office Action dated June 4, 2003, objects to the sentence bridging pages 3 and 4 in the disclosure, and rejects claims 1-28 as being anticipated by U.S. Patent No. 6,395,021 B1 to Hart et al. ("Hart"). Applicant hereby amends the specification to address the cited objection. Applicant also amends claims 1, 9, 15, 22, 27, and 28 to clarify existing aspects of those claims.

Applicant submits that no new matter has been added. Support for the claim amendments can be found throughout the originally-filed specification, and at least, for example, at pages 8, 9, and 10.

#### Rejections Under 35 U.S.C. § 102(e)

As amended, independent claim 1 recites a ureteral stent comprising an elongated portion having first and second ends, a retention portion extending from a first end of the elongated portion, and a mesh portion extending from a second end of the elongated portion. The mesh portion is adapted for placement substantially within an intramural tunnel portion of the ureter and for extending into the bladder. The mesh portion is collapsible under radial compression from the intramural tunnel portion.

In contrast to the ureteral stent recited in claim 1, Hart discloses a stent in which the diameter of the stent body increases to "exert radially outwardly directed forces upon any resistive structure" when placed within a lumen of a body passage. (Col. 9, lines 15-17, emphasis added.) Furthermore, the stent body "exerts a constant outward pressure 151 upon the interior surface 45 of the body passage 38." Nothing in Hart teaches or suggests a stent comprising a mesh portion that collapses under radial compression from the intramural tunnel portion of the ureter.

Amended independent claims 9 and 27 recite a stent comprising the mesh portion of claim 1. Therefore, as with Applicant's claim 1, Hart fails to teach or suggest a mesh portion that is collapsible under radial compression from the intramural tunnel portion.

Amended independent claim 15 recites a ureteral stent for facilitating drainage from a kidney of a patient to a bladder of a patient. The stent comprises an elongated portion having first and second ends, a retention portion extending from a first end of the elongated portion, and

a coil portion extending from a second end of the elongated portion. The coil portion comprises a wound coil portion that is adapted for placement substantially within an intramural tunnel portion of the ureter and for extension into the bladder. The wound coil portion is collapsible under radial compression from the intramural tunnel portion.

Hart fails to teach or suggest a ureteral stent comprising a wound coil portion that is collapsible under radial compression from the intramural tunnel portion of the ureter. Instead, Hart discloses a stent comprising a helical spring that achieves a low-profile state when the ends of the stent are separated, and once the ends are released, "the helix is free to return to its normal high-profile state." (Col. 11, lines 27-29.) Nothing in Hart teaches or suggests a stent comprising a wound coil that is collapsible under radial compression from the intramural tunnel portion of the ureter.

Amended independent claims 22 and 28 recite a stent comprising the coil portion of claim 15. Therefore, as with claim 15, Hart fails to teach or suggest the ureteral stent of claims 22 or 28.

For at least the foregoing reasons, Applicant submits that independent claims 1, 9, 15, 22, 27, and 28 are patentable over Hart. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 1, 9, 15, 22, 27, and 28.


Claims 2-8 depend from claim 1, claims 10-14 depend from claim 9, claims 16-21 depend from claim 15, and claims 23-26 depend from claim 22. Applicant respectfully submits that claims 2-8, 10-14, 16-21, and 23-26 are patentable for at least the reasons why claims 1, 9, 15, 22, 27, and 28 are patentable, and requests reconsideration and withdrawal of the rejections to claims 2-8, 10-14, 16-21, and 23-26.

**CONCLUSION**

In view of the above amendments and remarks, Applicant submits that claims 1-28 are in condition for allowance and request that the Examiner pass this application to allowance.

If, in the Examiner's opinion, a telephonic interview would expedite the favorable prosecution of the present application, the undersigned attorney would welcome the opportunity to discuss any outstanding issues, and to work with the Examiner toward placing the application in condition for allowance.

Respectfully submitted,



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Date: August 22, 2003

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